



TO: State Workforce Innovation Council Chairperson
Marion County Workforce Investment Board Chairperson & Director
Regional Workforce Board Chairpersons
Regional Operators
Directors of Operations for Northern and Southern Indiana

FROM: Teresa L. Voors *TV*
Commissioner, Indiana Department of Workforce Development

THROUGH: Dale Wengler *W*
Deputy Commissioner, Policy & Field Operations

DATE: April 4, 2008

SUBJECT: DWD Policy 2007-32
Establishment and Certification of Indiana's Workforce Investment Boards
and Regional Workforce Boards

Rescission

DWD Policy 2005-25 entitled, "Establishment and Certification of Indiana's Workforce Investment Boards and Regional Workforce Boards as of July 1, 2006," issued June 12, 2006

Purpose

The Indiana Department of Workforce Development is providing policy concerning the establishment and certification of boards overseeing workforce development services. It is the intent of this issuance to align the certifications of Indiana's Workforce Investment Boards and Regional Workforce Boards with the Strategic Plan for Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, July 1, 2005 through June 30, 2009, Modification 3.

Contents

Beginning July 1, 2006, Indiana identified two workforce service areas: the balance of state and Marion County. Indiana's State Workforce Innovation Council serves as the workforce investment board for the balance of state (which includes all counties in the state except Marion County). For Marion County, workforce development activities are overseen by Marion County's workforce investment board. The Workforce Investment Act legislation provides the authority for the workforce investment boards. Each workforce investment board sets policy and guidelines for its workforce service area and conducts oversight of its WorkOne system. [Workforce Investment Act Section 117(d)(4) and oversight defined at 20 Code of Federal Regulations Part 667.410]

Within Indiana's balance of state workforce service area, there are eleven regions. Each region is overseen by a regional workforce board. The regional workforce board provides guidance and direction to the WorkOne system within the region. This effort enhances focus on the customer.

This policy provides the requirements to establish and certify workforce investment boards and regional workforce boards. **For second and subsequent certifications, the Indiana Department of Workforce Development may extend certifications of the local board for each local area in the state provided that performance and membership requirements are met as required in the Workforce Investment Act, Section 117(c)(2)(B). The Department shall provide notice of extension of certifications through a letter to the Chairperson of each workforce investment board and regional workforce board.**

Workforce investment board guidance is provided as follows in:

Attachment A

Section 1	Appointment of Workforce Investment Boards	Page 3
Section 2	Appointment of Youth Councils	Page 8
Section 3	Submittal of Documents for Certification	Page 10
Section 4	Economic Interest/Conflict(s) of Interest Statements	Page 11
Section 5	Checklist for Certification	Page 16
Section 6	Quarterly Reports	Page 19

Regional workforce board guidance is provided as follows in:

Attachment B

Section 1	Appointment of Regional Workforce Boards	Page 20
Section 2	Certification of Regional Workforce Boards	Page 22
Section 3	Submittal of Documents for Certification	Page 23
Section 4	Economic Interest/Conflict(s) of Interest Statements	Page 24
Section 5	Checklist for Regional Workforce Board Certification	Page 29
Section 6	Quarterly Reports	Page 30

Effective Date: April 4, 2008

Ending Date: June 30, 2009

Ownership: Policy & Field Operations

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Action

Indiana's workforce investment system will follow the guidance contained in this policy.

Attachment A
Workforce Investment Boards
Section 1

Appointment of Workforce Investment Boards

General

The chief elected officials in each workforce service area are authorized to appoint the members to the workforce investment board for such area, in accordance with the state criteria established under Section 117(b) of Workforce Investment Act. [Section 117(c)(1)(A)] The chief elected officials are responsible for solicitations for nominations and appointments. The workforce investment board shall include sector representatives from business, labor, education, community-based organizations, economic development, WorkOne partners, and other workforce investment board members as the chief elected officials determine appropriate. This section lists general requirements for all workforce investment board members and specific requirements for each workforce investment board membership category. Please note that in the membership compositions listed in Workforce Investment Act Title I, Section 117(b), the term “including” is used to present examples and should be interpreted to mean “for example” or “such as.”

The following general requirements apply regarding workforce investment board composition:

- Workforce investment board members shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent. [Workforce Investment Act Title I, Section 117 (b)(3)]
- A majority of the workforce investment board members shall be representatives of businesses in the workforce service area. [Workforce Investment Act Title I, Section 117 (b)(4)]
- The workforce investment board shall elect a chairperson from the workforce investment board business representatives. [Workforce Investment Act Title I, Section 117 (b)(5)]
- Workforce investment board members may represent more than one interest group and/or Workforce Investment Act partner.
- When calculating minimum membership requirements, such as required percentages, non-voting members are not included.

Business

The following criteria apply:

- The majority of the workforce investment board members shall be representatives of businesses in the workforce service area [Workforce Investment Act Title I, Section 117(b)(4)] who:
 - Are owners of businesses, chief executives, or operating officers of businesses, and other business executives or employers with optimum policymaking or hiring authority;
 - Represent businesses with employment opportunities that reflect the employment opportunities of the workforce service area; and
 - Are appointed from among individuals nominated by local business organizations and business trade associations. [Workforce Investment Act Title I, Section 117 (b)(2)(A)(i) and (b)(4)]
- Nominations shall be solicited from business organizations and business trade associations in the workforce service area.
- Members should include representatives from diverse businesses in the workforce service area.

Labor

The following criteria apply:

- The workforce investment board members shall include representatives of labor organizations, nominated by the local labor federations (called the Central Labor Councils in Indiana) that have jurisdiction in that area. Labor appointees should have strong ties to the Central Labor Councils. [Workforce Investment Act Title I, Section 117 (b)(2)(A)(iii)]

Education

The following criteria apply:

- Education members of the workforce investment board shall be nominated by and selected from among individuals nominated by regional or local educational agencies, institutions, or organizations representing local educational entities such as the following:
 - Local educational agencies.
 - School boards.
 - Entities providing adult education and literacy activities.
 - Postsecondary educational institutions (including representatives of community colleges, where such entities exist). [Workforce Investment Act Title I, Section 117 (b)(2)(A)(ii)]
- The workforce investment board must have a minimum of two educational entities represented.
- The adult education and literacy and the postsecondary WorkOne partners may satisfy the educational requirement if they meet the requirements under Workforce Investment Act Title I, Section 117(b)(2)(A)(ii).

Community-Based Organizations

Workforce Investment Act Title I, Section 101 (7) defines a community-based organization as "a private nonprofit organization that is representative of a community or a significant segment of a community and that has demonstrated expertise and effectiveness in the field of workforce investment." The following apply:

- The workforce investment board members shall include representatives of community-based organizations in the workforce service area, such as organizations representing individuals with disabilities and veterans that have strong ties with workforce development. [Workforce Investment Act Title I, Section 117 (b)(2)(A)(iv)]
- The board must have a minimum of two community-based organizations represented.
- Nominations shall be solicited from a variety of community-based organizations that deal with workforce development or human services.
- Community-based organizations should serve a large portion of the workforce service area and/or represent the diverse aspects of the population.

Economic Development

The following criteria apply:

- The members of the workforce investment board shall include representatives of economic development agencies, including private sector economic development entities. [Workforce Investment Act Title I, Section 117 (b)(2)(A)(v)]
- The board must have a minimum of two economic development entities represented.
- Nominations shall be solicited from public and private local economic development entities.

WorkOne Partners

Mandatory WorkOne Partners

The members on the local workforce investment board shall include one representative of each mandatory WorkOne partner located in the workforce service area. [Workforce Investment Act Title I, Section 117 (b)(2)(A)(vi)] The following criteria apply to the nomination process:

- The "entity" that serves as the WorkOne partner is the grant recipient, administrative entity or organization responsible for administering the funds of the specified program in the local area. The term "entity" does not include the service providers that contract with or are subrecipients of the local administrative entity. For programs that do not include local administrative entities, the responsible state agency should be the partner. The intent of the Workforce Investment Act is to have the person at the highest policy level per entity on the workforce investment board. [In part from Workforce Investment Act Rule 20 Code of the Federal Regulations Part 662.220(a)]
- Only partners who have an employment and/or training facility in the workforce service area need to have representatives on the workforce investment boards. At the bottom of the workforce investment board membership template a comment must be provided indicating any mandatory partners that do not have an employment and/or training facility in the workforce service area. Yearly, the workforce investment board must review which mandatory partners have employment and/or training facilities in the workforce service area.

The Mandatory WorkOne partners are from the following [Workforce Investment Act Section 121(b)(1)(B) (i-xii)]:

- Programs authorized under Workforce Investment Act Title I - Adult, Youth and Dislocated Worker. The chief elected official is the representative for the Workforce Investment Act Title I Adult, Youth, and Dislocated Worker Programs as the grant recipient, i.e., recipient of the federal funding. The chief elected official may designate a representative from an entity that carries out the program and activities such as the grant recipient, administrative entity, or fiscal agent of the specific program. Workforce Investment Act service providers cannot be representatives. Guidance in designating a representative may be found in the Workforce Investment Act Regulations 20 Code of the Federal Regulations Part 662.220.
- Workforce Investment Act Title I - Job Corps.
Nominations shall be solicited from the Job Corps when there is a Job Corps training facility located in the workforce service area.

- Workforce Investment Act Title I - Indian and Native American programs.
Nominations shall be solicited from the state executive director, American Indian Center of Indiana, whose purpose is to support employment and training activities for Indian, Alaska Native, and Native Hawaiian individuals.
- Workforce Investment Act Title I - Migrant and Seasonal Farmworker programs.
Nominations shall be solicited from the state director for Transition Resources Corporation, which is a federally procured provider for services to migrant seasonal farm workers. Only areas that have migrant seasonal farm worker employment and training facilities located in the workforce service area need to have representatives on their workforce investment boards.
- Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (Trade Adjustment Assistance), and Veterans' workforce programs and activities authorized under Chapter 41 of Title 38, U.S.C. (local veterans' employment representatives and disabled veterans outreach program). [Workforce Investment Act Section 121(b)(1)(B)(i) and (ix)] Programs authorized under state unemployment compensation laws (in accordance with applicable federal law). A nomination shall be solicited from the commissioner of the Indiana Department of Workforce Development.
- Adult education and literacy activities authorized under Title II of Workforce Investment Act.
Nominations for a representative of a comprehensive adult basic education provider shall be solicited from the director of the Division of Adult Education at the Department of Education. The adult education and literacy representative may also serve as one of the educational representatives if all requirements for the educational representative and adult education and literacy representative are met.
- Programs authorized under Title I of the Rehabilitation Act of 1973.
Nominations shall be solicited from the executive director of Vocational Rehabilitation Services who receives national funds for vocational rehabilitation and/or from the executive director of the Indiana Protection and Advocacy Services who receives the same national funding for the Client Assistance Program, an advocacy program for vocational rehabilitation clients. The representative may be from either entity or from both.
- Senior Community Service Employment Activities, authorized under Title V of the Older Americans Act of 1965.
Nominations to represent the interests of older workers on the workforce investment board shall be solicited from the American Association of Retired Persons, National Council of Senior Citizens, National Urban League, U.S. Forest Services, State Unit of Aging, or Experience Works.

- Postsecondary Vocational Education Activities under Carl D. Perkins Vocational and Applied Technology Education Act.
Nominations shall be solicited from all local postsecondary vocational education boards in the workforce service area to represent postsecondary vocational education. The postsecondary representative may also serve as one of the educational representatives if all requirements for the educational representative and postsecondary vocational educational representative are met.
- Employment and training activities carried out under the Community Services Block Grant Act. (42 U.S.C. 9901 et seq)
Nominations shall be solicited from entities with community service block grants in the workforce service area that administer employment and training programs or activities, such as Community Action Program agencies administering employment and training programs/activities.
- Employment and training activities administered by the U.S. Department of Housing and Urban Development.
Nominations shall be solicited from all Housing and Urban Development grantees in the workforce service area that have strong ties to workforce development and who administer employment and training programs or activities.

Voluntary WorkOne Partners

Voluntary WorkOne partners may be represented on the workforce investment board.

Other Board Members

Workforce Investment Act Title I, Section 117 (b)(2) (B) indicates the chief elected official "may include such other individuals or representatives of entities as the chief elected official in the local area may determine to be appropriate." The rationale for how these other board members are appropriate must be included in the request for board certification.

Section 2

Appointment of Youth Councils

Citations

Title I, Section 117 (h) of Workforce Investment Act of 1998 provides the federal policy on the establishment of a youth council by the workforce investment board in cooperation with the chief elected official. The Act states:

- A youth council appointed by the workforce investment board in cooperation with the chief elected official shall be established as a subgroup of the workforce investment board.
- The membership of each youth council shall include:
 - Members of the workforce investment board described in Workforce Investment Act Section 117, (b)(2)(A)& (B) with special interest or expertise in youth policy.
 - Representatives of youth service agencies. Juvenile justice and local law enforcement agencies may be included in this category.
 - Representatives of local public housing authorities.
 - Parents of eligible youth seeking assistance under this subtitle.
 - Individuals and representatives of organizations that have experience relating to youth activities. A former Workforce Investment Act participant may be included in this category.
 - Representatives of the Job Corps, if Job Corps has a training facility in the workforce service area.
 - Other individuals if the workforce investment board chair, in cooperation with the chief elected official, determines the appointment to be appropriate.
- Members of the youth council who are not members of the local board described in Workforce Investment Act Section 117, (b)(2)(A) & (B) shall be voting members of the youth council and nonvoting members of the workforce investment board.
- The duties of the youth council include:
 - Coordinating youth activities authorized under Workforce Investment Act Title I, Section 129 in the local area.
 - Developing the portions of the local plan related to eligible youth, as determined by the chairperson of the workforce investment board.
 - Recommending eligible youth service providers in accordance with Workforce Investment Act Title I, Section 123, subject to the approval of the workforce investment board.
 - Conducting oversight with respect to eligible providers of youth activities in the workforce service area, subject to the approval of the local workforce investment board.
 - Carrying out other duties as authorized by the chairperson of the workforce investment board.

Policy for Establishing Local Youth Councils

The following criteria apply:

- Each workforce investment board in cooperation with the chief elected officials shall establish a youth council, which will be a subgroup of the workforce investment board.
- The youth council shall include at least two members from each of the following categories, except as noted under local public housing authorities and Job Corps categories:
 - Local board members with special interest or expertise in youth policies.
 - Representatives of youth service agencies. Representatives from juvenile justice and local law enforcement agencies may meet the requirements under this category.
 - Representatives from local public housing authorities. In areas where only one public housing authority provides employment and training services, one representative will meet the requirement under this category.
 - Parents of eligible youth seeking assistance under this subtitle.
 - Individuals who have experience related to youth activities. Former participants and representatives of organizations who have experience related to youth activities may meet the requirements under this category.
 - Representatives of the Job Corps, if located in the workforce service area. One representative will meet the membership requirement for each affected workforce investment board under this category.
 - Other individuals, if deemed appropriate by the workforce investment board chair, in cooperation with the chief elected official. [Filling this position is optional.]
- The chair for the youth council shall be a voting member of the workforce investment board.
- Youth council members who are not workforce investment board members will be voting members of the youth council, but will not have voting rights on the workforce investment board.
- Youth council vacancies must be filled within 90 days. A sixty-day extension may be considered if the workforce investment board can show good cause for not filling the vacancy. The Center of Excellence will provide the Oversight Division with copies of each workforce investment board's most current templates prior to the Oversight Division's monitoring each workforce investment board.
- The workforce investment board or chief elected official must have a signed and dated economic interest/conflict(s) of interest statement for each youth council member on file.

Section 3

Submittal of Documents for Certification

Workforce Investment Act, Section 117(c)(2)(A) states that every two program years, the governor shall certify one local board for each local area in the state. The governor has designated the Indiana Department of Workforce Development to serve as the state administrative entity for the Workforce Investment Act.

For initial certification, the Indiana Department of Workforce Development requires that the chief elected officials submit a letter requesting certification and the required documents to the Indiana Department of Workforce Development no later than the first day of the month before the program year that the workforce investment board requests certification. The letter should be submitted to the Director of Policy, Policy & Field Operations, Indiana Department of Workforce Development, 10 North Senate Avenue, Indianapolis, IN 46204. The request must include the following:

- A letter requesting certification.
- Assurance that the workforce investment board has adopted bylaws for its governance which are on file at the workforce investment board's or chief elected official's office. The bylaws must:
 - 1) Include a "conflict(s) of interest" clause that is in compliance with this policy;
and
 - 2) Establish quorum guidelines for the workforce investment board and all permanent councils.
- Assurance that the workforce investment board or chief elected official has a signed and dated economic interest/conflict(s) of interest statement for each workforce investment board and youth council member on file.

In addition, the workforce investment board membership listing template and the youth council member listing template should be submitted electronically. The templates are available through the DWD Policy Unit.

For second and subsequent certifications, the Indiana Department of Workforce Development may extend certifications of the local board for each local area in the state provided that performance and membership requirements are met as required in the Workforce Investment Act, Section 117(c)(2)(B).

Section 4

Economic Interest /Conflict(s) of Interest Statements

Citation

Workforce Investment Act Title I, Section 117(g) states that a member of a workforce investment board may not:

- Vote on a matter under consideration by the local board:
- Regarding the provision of services by such member (or by an entity that such member represents); or
- Providing direct financial benefit to such member or the immediate family of such member; or
- Engage in any other activity determined by the governor to constitute a conflict of interest as specified in the State Plan.

Conflict(s) of Interest Policy

In its bylaws, each workforce investment board shall adopt conflict of interest standards meeting the minimum standards set forth in this policy. The conflict of interest standards listed below apply to all voting and non-voting workforce investment board members.

The minimum conflict(s) of interest standards are as follows:

- A workforce investment board member is prohibited from voting on any issue where the member has a potential conflict of interest.
- If any workforce investment board member significantly participates in the development of contract specifications or standards, or in a board discussion or decision relating to: specific terms of a contract; determination of specific standards for performance or a contract; development of Invitations for Bid, Requests for Proposal, or other such bid processes leading to a contract; or any similar discussions or decisions, then that member and the entity represented by that member are prohibited from:
 - Bidding on those contracts.
 - Supervising staff whom are paid from funding awarded under such contracts.
 - Receiving any direct financial benefit from any resulting contract.

Note: No corporation, partnership, firm, association, or other entity shall receive the contract if it would create a conflict of interest for the workforce investment board member who significantly participated in the manner described above.
- Each workforce investment board member shall file an economic interest/conflict of interest(s) statement (a sample statement attached) with the workforce investment board upon appointment and every year thereafter. Such statements must include, at a minimum, the member's:
 - Current position(s) of employment.
 - Current position(s) as a paid director, officer, or agent of a corporation or similar entity.

- If a conflict exists, additional information related to the conflict of interest must be documented by the workforce investment board member, spouse, or immediate family members to include:
 - Financial interests that are defined in the bylaws as potential sources of conflict(s) of interest.
 - Similar information concerning the workforce investment board member's spouse and immediate family members if the economic interests of such spouse and/or immediate family could present a potential conflict of interest.
 - A full description of the potential conflict(s) of interest.
- Any workforce investment board member with potential or actual conflict(s) of interest must submit a disclosure letter to the workforce investment board when potential conflict(s) are discovered, and if possible, before the agenda is prepared for the meeting involving the matter. If a member discovers a conflict of interest at the meeting:
 - The member must verbally declare such conflict(s) of interest.
 - The declaration must be clearly noted in the minutes.
 - The member must be excused from the remainder of the discussion and the voting.
- Each board member is responsible for determining whether potential or actual conflict(s) of interest exist or arise during his/her service on the board. Board members are also responsible for reporting such potential or actual conflict(s) of interest as soon as discovered.
- If the workforce investment board makes a contract or purchase with a workforce investment board member or an entity associated with the workforce investment board member, the workforce investment board shall justify the terms and conditions of the contract or purchase to the satisfaction of the Indiana Department of Workforce Development. The justification must demonstrate that the contract or purchase was adequately bid or negotiated and that the terms on the contract or price of the purchase are fair and reasonable to the workforce investment board.
- The workforce investment board shall adopt procedures that minimize the appearance of conflict(s) of interest.
- Workforce investment board members who are also WorkOne partners should not serve on any committees that deal with oversight of the WorkOne system or that allocate resources to that member's program.

The Indiana Department of Workforce Development will provide technical assistance, upon request, to coordinate compliance with the conflict(s) of interest standards to avoid potential problems from workforce investment board's concerning the conflict(s) of interest standards. The department's intent is to assist the workforce investment boards to avoid compliance violations or the appearance of violations.

SAMPLE 1

Reference Section 117(g) of the Workforce Investment Act

ECONOMIC INTEREST/CONFLICT(S) OF INTEREST STATEMENT

Name: _____

☐ **Workforce Investment Board Member** ☐ **Youth Council Member**

I currently hold (or held in the last twelve months) the following position of employment:

1. _____
2. _____
3. _____

I currently serve (or served in the last twelve months) as a member, director, officer, or agent of or for the following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid:

1. _____
2. _____
3. _____

I, my spouse, or my immediate family members have potential sources of conflict(s) of interest concerning my duties as a workforce investment board member or council member.

☐ **NO** Stop here and sign/date the form if you answer NO.

☐ **YES** Continue completing the form if you answer YES.

I have (or had in the last twelve months) a "financial interest" in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Workforce Investment Board:

1. _____
2. _____
3. _____

For each entity listed in response to the item above, the following describes any benefits or services that such entity has provided to the workforce investment board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, currently holds (or held in the last twelve months) the following position of employment which might present a conflict(s) of interest for me as a workforce investment board member:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, currently serves (or served in the last twelve months) as a member, director, officer, or agent of or for the following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid that might present a conflict(s) of interest for me as a workforce investment board member:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, has (or had in the last twelve months) a "financial interest" in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Workforce Investment Board that might present a conflict(s) of interest for me as a workforce investment board member:

1. _____
2. _____
3. _____

For each entity listed in response to the item above, the following describes any benefits or services that such entity has provided to the workforce investment board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

These statements are true and complete to the best of my knowledge.

Date: _____ Signed: _____

Title: _____

(WIB Name) Workforce Investment Board Member

SAMPLE 2

Reference Section 117(g) of the Workforce Investment Act

DISCLOSURE LETTER OF (POTENTIAL) CONFLICT(S) OF INTEREST

Workforce Investment Board Name
Address Line #1
Address Line #2
City/State/Zip

Dear Workforce Investment Board Chair:

This letter serves to notify you of (potential) conflict(s) of interest that I have with regard to a matter that will or may come before the council for consideration. The matter at issue is ... *(Briefly describe the potential conflict(s) in detail making sure to fully describe the (potential) conflict(s).)* This information is provided in order to inform you of (potential) conflict(s) of interest, as is required by the bylaws of the workforce investment board.

I will keep all persons informed as to any changes in circumstances by written notification.

I will comply with all applicable bylaws and other requirements of this workforce investment board and all applicable laws with regard to this situation. Please contact me at your earliest convenience in order to discuss this situation.

Sincerely,

Board Member Name, Board Member

Section 5
Checklists for Certification

In reviewing and certifying each workforce investment board, the DWD Policy Unit uses the next three pages as guides for review. They are provided here for information and assistance.

Reviewer: _____ **Date:** _____

Workforce Investment Board: _____

Checklist for Workforce Investment Board Certification

- | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|
| 1. A letter requesting certification. | YES | NO |
| 2. Assurance that the workforce investment board has adopted bylaws for its governance and that the workforce investment board has a copy of such bylaws on file. | YES | NO |
| 3. Assurance that the workforce investment board or chief elected official has a signed and dated conflict(s) of interest statement for each workforce investment board and youth board member on file. | YES | NO |
| 4. An electronic copy, workforce investment board membership Template. | YES | NO |
| 5. An electronic copy, youth council membership template. | YES | NO |
| 6. The Indiana Department of Workforce Development determined that satisfactory progress has been made on all performance issues, monitor findings, and audit findings. | YES | NO |

NOTE: For second and subsequent certifications, the Department may, at its discretion, review the following prior to issuing certification: (1) Item #6 of the checklist; (2) Workforce Investment Board Membership template; (3) Youth Council Membership template.

Reviewer: _____ **Date:** _____

Workforce Investment Board: _____

Workforce Investment Board Membership Template Review:

Sectors	Minimum Required	Actual	Comments
Business	> 50%		
Labor	2		
Education	2		
CBO	2		
Economic Development	2		
Other Board Members			
WorkOne Partners			
WIA Adult, DW, and Youth	1		
Job Corps			
Indian & Native American			
Migrant & Seasonal Farm-workers			
Wagner Peyser, Veterans, Trade Program, Unemployment Insurance	1		
Adult Education & Literacy Activities	1		
Vocational Rehabilitation	1		
Title V Older Workers	1		
Postsecondary Vocational Ed	1		
Community Services Block Grants	1		
Housing & Urban Development			
Other Partners			

Total number of workforce investment board members: _____

Is there a workforce investment board chair? Yes No

Reviewer: _____ **Date:** _____

Workforce Investment Board: _____

Youth Council Membership Template Review:

Sectors	Minimum Required	Actual	Comments
WIB member with special interest or expertise in youth policies (WIB)	2		
Representatives of Youth Agencies (YSA)	2		
Representatives from local public housing authorities (PHA)	2*		
Parents of eligible youth seeking assistance under Title I (Parent)	2		
Individuals who have experience related to youth activities (YAE)	2		
Representatives of the Job Corps, if located in WSA (Job)	2**		
Other individuals as the WIB Chair or CEO determine appropriate (Other)			

Total number of youth council members: _____

Is the youth council chair a voting member of the workforce investment board? YES NO

** In areas where only one housing authority provides employment and training services, one representative is necessary.*

***One representative will meet the membership requirement for each affected workforce investment board under this category.*

Reviewer: _____ **Date:** _____

Section 6

Quarterly Reports

Once a workforce investment board is certified, the workforce investment board is responsible for submitting the following quarterly updated membership templates: workforce investment board membership, and youth council membership. The quarterly reports are due each program year on July 1, October 1, January 1, and April 1, and should indicate the date each report was updated. When the Oversight Division monitors visit a workforce investment board, they will receive the latest updated quarterly reports from the Policy Unit to assure that the memberships of the workforce investment board and youth councils are in compliance with the state's certification policy and federal regulations.

If a vacancy occurs, all information on the individual resigning should be deleted from the template except for the position number and membership sector. The position number will remain to be filled with the information of the sector's new representative.

A vacancy must be filled within 90 calendar days in accordance with the workforce investment board's nomination/selection process. The new member's information should be submitted to the Indiana Department of Workforce Development in the quarter immediately following the selection. All vacancies must be filled within 90 calendar days from the date of occurrence. A 60 day extension may be considered if the workforce investment board can show good cause for not filling the vacancy.

Attachment B
Regional Workforce Boards
Section 1
Appointment of Regional Workforce Boards

The local elected officials in each region are authorized to appoint the members to the regional workforce board, in accordance with state policy. The local elected officials are responsible for solicitations for nominations and appointments. The regional workforce board shall include sector representation from business, labor, education, economic development and community-based/faith-based organizations.

The following general requirements apply regarding regional workforce board composition:

- Each region within the balance of the state workforce service area will have a regional workforce board.
- The regional workforce board shall consist of at least 9, but no more than 16 members. All members but four will represent business. The non-business sector members include labor, education, economic development and community-based/faith-based organizations.
- Members of the regional workforce board shall be individuals with optimum policymaking authority within the organizations, agencies, or entities they represent.
- The regional workforce board shall select a chairperson from the regional workforce board business representatives and such chair may not serve more than two consecutive years.
- The regional workforce board may have councils, such as WorkOne Partner, Youth, or Incumbent Worker, but such councils are not mandatory.
 - The composition of all councils will be at the discretion of the regional workforce board. The purpose, composition, selection process, and responsibilities will be included in the regional workforce board by-laws.
 - A membership roster will be sent electronically to the Indiana Department of Workforce Development.
 - Council members will be non-voting members of the regional workforce board, unless they are also board members.
- The four non-business members of the regional workforce board will be selected in this manner:
 - The mayor of the largest city in the regional workforce area shall select and appoint one member from any one of the four non-business sector categories.
 - If the second largest city in the regional workforce area has a population greater than 8,000, the mayor of the second largest city shall select and appoint one member from any of the three remaining non-business sector categories.
 - If the third largest city in the regional workforce area has a population greater than 8,000, the mayor of the third largest city shall select and appoint one member from either of two remaining non-business sector categories.
 - If the fourth largest city in the regional workforce area has a population greater than 8,000, the mayor of the fourth largest city shall select and appoint one member from the remaining non-business sector category.
 - If a regional workforce area contains fewer than four cities having a population greater than 8,000, the selection and appointment of the non-business representatives as members to a regional workforce board process will start over with the mayors of the cities having a population greater than 8,000 alternately selecting and appointing the members.

- The business representatives should be selected from diverse businesses in the region and shall be selected in the following manner:
 - Business representatives in the regional workforce areas shall be individuals who are business owners; chief executives or operating officers; or business executives or employers with optimum policymaking or hiring authority.
 - Each county in the regional workforce area shall appoint, by majority agreement of all the local elected officials in that county, one business representative who meets the requirements of being a business representative.
 - The mayor of each city having a population greater than 100,000 in the regional workforce area shall appoint one additional business representative who meets the requirements of being a business representative.
 - The mayor of each city having a population greater than 500,000 in the regional workforce areas shall appoint one additional business representative who meets the requirements of being a business representative.
 - If after this process, including the selection of the non-business members, the total number of regional workforce board members is less than 16, the local elected officials in the entire regional workforce area may, by majority agreement, appoint additional business representatives with the same criteria named above for business representatives until the 16 member limit is reached.

Section 2

Certification of Regional Workforce Boards

Since the regional workforce board is critical for the workforce service system to meet the needs of its customers and to meet its performance goals, the governor must certify each regional workforce board based on guidelines established by state policies. The governor has delegated the certification responsibility to the State Workforce Innovation Council.

The Indiana Department of Workforce Development provides the following guidance:

- The State Workforce Innovation Council shall certify the regional workforce board if the Council determines that its composition and appointments are consistent with state policy.
- Regional workforce board members, regional operators, and fiscal agents shall not provide direct services to customers through the WorkOne delivery system.
- The regional operator, as an independent contractor, will provide staff support to the regional workforce board, i.e., the regional operator is not an employee of the regional workforce board.
- The fiscal agent, as an independent contractor, will provide financial responsibilities as directed by the Office of Management & Budget Circulars, federal and state legislation and regulation. The fiscal agent is not an employee of the regional workforce board.
- The regional operator and the fiscal agent may be the same entity.
- A member of a regional workforce board may not:
 - Vote on a matter under consideration by the regional workforce board
 - Regarding the provision of services by such member (or by an entity that such member represents); or
 - Providing direct financial benefit to such member or the immediate family of such member
 - Engage in any other activity determined by the governor to constitute a conflict of interest.

The Indiana Department of Workforce Development is providing guidance for decertification of the regional workforce board. Indiana Department of Workforce Development policy is provided:

- **Decertification**
 - Fraud, Abuse, Failure to carry out functions.

The Indiana Workforce Innovation Council may decertify a regional workforce board at any time after providing notice and an opportunity for comment for

 - Fraud or abuse or
 - Failure to carry out the functions specified for the regional workforce board.
 - Nonperformance

The State Workforce Innovation Council may decertify a regional workforce board if a region fails to meet the local performance measures for such region.
- Reorganization Plan

If the State Workforce Innovation Council decertifies a regional workforce board for a region, the State Workforce Innovation Council may require that a new regional workforce board be appointed and certified for the region pursuant to a reorganization plan developed by the State Workforce Innovation Council, in consultation with the regional elected official in the region.

Section 3 **Submittal of Documents for Certification**

The State Workforce Innovation Council shall certify one (1) regional workforce board for each region encompassing the balance of state (consisting of all Indiana counties except Marion County).

Once the initial information has been satisfactorily received at the Indiana Department of Workforce Development, conditional certification can be granted. Full certification will be granted once all information necessary for certification has been satisfactorily received by the Indiana Department of Workforce Development.

To be conditionally certified, the following information must be submitted:

- A letter requesting certification.
- Copies of the agreements signed by the local elected officials.
- A template of the regional workforce board membership submitted electronically. The template is available through this policy's contact person at the Center of Excellence.

For full certification, the following information must be submitted:

- A copy of the bylaws adopted by the regional workforce board for its governance. Include a copy of the minutes which indicate the adoption. The bylaws must:
 - Include the following "conflict of interest statement":
"No member of the regional workforce board will:
 - Vote on a matter under consideration by the regional workforce board:
 - Regarding the provision of services by such member (or by an entity that such member represents); or
 - Providing direct financial benefit to such member or the immediate family of such member; or
 - Engage in any other activity determined by the governor to constitute a conflict of interest."
 - Establish quorum guidelines for the regional workforce board and all permanent councils
 - Purpose, composition, selection process, and responsibilities for all voluntary councils.
- Assurance that the regional workforce board or regional chief elected official has a signed and dated economic interest/conflict(s) of interest statement for each regional workforce board member on file.

Full certification will be provided by the chair of the State Workforce Innovation Council once all information necessary for certification is provided.

Please provide the information necessary for certification to:

Amy L. Smith-Rubeck, MA, LMHC
Director of Policy
Policy & Field Operations
Indiana Department of Workforce Development
10 N. Senate Avenue, SE 304
Indianapolis, IN 46204
Telephone: 317/233-6078
E-mail: arubeck@dwd.in.gov

Section 4

Economic Interest /Conflict(s) of Interest Statements

Direction

The Indiana Department of Workforce Development states that a member of a regional workforce board may not:

- Vote on a matter under consideration by the local board:
 - Regarding the provision of services by such member (or by an entity that such member represents); or
 - Providing direct financial benefit to such member or the immediate family of such member; or
- Engage in any other activity determined by the governor to constitute a conflict of interest as specified in the State Plan.

Conflict(s) of Interest Policy

In its bylaws, each regional workforce board shall adopt conflict of interest standards meeting the minimum standards set forth in this policy. The conflict of interest standards listed below apply to all voting and non-voting regional workforce board members.

The minimum conflict(s) of interest standards are as follows:

- A regional workforce board member is prohibited from voting on any issue where the member has a potential conflict of interest.
- If any regional workforce board member significantly participates in the development of contract specifications or standards, or in a board discussion or decision relating to: specific terms of a contract; determination of specific standards for performance or a contract; development of Invitations for Bid, Requests for Proposal, or other such bid processes leading to a contract; or any similar discussions or decisions, then that member and the entity represented by that member are prohibited from:
 - Bidding on those contracts.
 - Supervising staff that are paid from funding awarded under such contracts.
 - Receiving any direct financial benefit from any resulting contract.

Note: No corporation, partnership, firm, association, or other entity shall receive the contract if it would create a conflict of interest for the regional workforce board member who significantly participated in the manner described above.

- Each regional workforce board member shall file an economic interest/conflict of interest(s) statement (a sample statement attached) with the regional workforce board upon appointment and every year thereafter. Such statements must include, at a minimum, the member's:

- Current position(s) of employment.
- Current position(s) as a paid director, officer, or agent of a corporation or similar entity.

If a conflict exists, additional information related to the conflict of interest must be documented by the regional workforce board member, spouse, or immediate family members to include:

- Financial interests that are defined in the bylaws as potential sources of conflict(s) of interest.
- Similar information concerning the regional workforce board member's spouse and immediate family members if the economic interests of such spouse and/or immediate family could present a potential conflict of interest.
- A full description of the potential conflict(s) of interest.

- Any regional workforce board member with potential or actual conflict(s) of interest must submit a disclosure letter to the regional workforce board when potential conflict(s) are discovered, and if possible, before the agenda is prepared for the meeting involving the matter. If a member discovers a conflict of interest at the meeting:
 - The member must verbally declare such conflict(s) of interest.
 - The declaration must be clearly noted in the minutes.
 - The member must be excused from the remainder of the discussion and the voting.
- Each board member is responsible for determining whether potential or actual conflict(s) of interest exist or arise during his/her service on the board. Board members are also responsible for reporting such potential or actual conflict(s) of interest as soon as discovered.
- If the regional workforce board makes a contract or purchase with a regional workforce board member or an entity associated with the regional workforce board member, the regional workforce board shall justify the terms and conditions of the contract or purchase to the satisfaction of the Indiana Department of Workforce Development. The justification must demonstrate that the contract or purchase was adequately bid or negotiated and that the terms on the contract or price of the purchase are fair and reasonable to the regional workforce board.
- The regional workforce board shall adopt procedures that minimize the appearance of conflict(s) of interest.

The Indiana Department of Workforce Development will provide technical assistance, upon request, to coordinate compliance with the conflict(s) of interest standards to avoid potential problems from regional workforce boards concerning the conflict(s) of interest standards. The department's intent is to assist the regional workforce boards to avoid compliance violations or the appearance of violations.

SAMPLE 1

ECONOMIC INTEREST/CONFLICT(S) OF INTEREST STATEMENT

Name: _____

☐ **Regional Workforce Board Member** ☐ _____ **Committee**

I currently hold (or held in the last twelve months) the following position of employment:

1. _____
2. _____
3. _____

I currently serve (or served in the last twelve months) as a member, director, officer, or agent of or for the following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid:

1. _____
2. _____
3. _____

I, my spouse, or my immediate family members have potential sources of conflict(s) of interest concerning my duties as a regional workforce board member.

☐ **NO** Stop here and sign/date the form if you answer NO.

☐ **YES** Continue completing the form if you answer YES.

I have (or had in the last twelve months) a "financial interest" in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Regional Workforce Board:

1. _____
2. _____
3. _____

For each entity listed in response to the item above, the following describes any benefits or services that such entity has provided to the regional workforce board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, currently holds (or held in the last twelve months) the following position of employment which might present a conflict(s) of interest for me as a regional workforce board member:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, currently serves (or served in the last twelve months) as a member, director, officer, or agent of or for the following corporations, partnerships, firms, associations, or other entities, for which compensation other than per diem and expenses is paid that might present a conflict(s) of interest for me as a regional workforce board member:

1. _____
2. _____
3. _____

My spouse/immediate family member, _____, has (or had in the last twelve months) a "financial interest" in the following corporations, partnerships, firms, associations, or other entities, as that term is defined in the bylaws of the _____ Regional Workforce Board that might present a conflict(s) of interest for me as a regional workforce board member:

1. _____
2. _____
3. _____

For each entity listed in response to the item above, the following describes any benefits or services that such entity has provided to the regional workforce board for any of its programs for a fee or any benefits or services that the board has provided to such entity for a fee, within the last five (5) program years:

1. _____
2. _____
3. _____

These statements are true and complete to the best of my knowledge.

Date: _____ Signed: _____

Title: _____

(Regional Workforce Board Name) Regional Workforce Board Member

SAMPLE 2

DISCLOSURE LETTER OF (POTENTIAL) CONFLICT(S) OF INTEREST

Regional Workforce Board Name

Address Line #1

Address Line #2

City/State/Zip

Dear Regional Workforce Board Chair:

This letter serves to notify you of (potential) conflict(s) of interest that I have with regard to a matter that will or may come before the council for consideration. The matter at issue is ... *(Briefly describe the potential conflict(s) in detail making sure to fully describe the (potential) conflict(s).)* This information is provided in order to inform you of (potential) conflict(s) of interest, as is required by the bylaws of the regional workforce board.

I will keep all persons informed as to any changes in circumstances by written notification.

I will comply with all applicable bylaws and other requirements of this regional workforce board and all applicable laws with regard to this situation. Please contact me at your earliest convenience in order to discuss this situation.

Sincerely,

Board Member Name, Board Member

Section 5
Checklist for Regional Workforce Board Certification

In reviewing and certifying each regional workforce board, the Policy Unit uses the following guide for review. The guide is provided here for information and assistance.

Reviewer _____ **Date** _____

Regional Workforce Board _____

Checklist for Conditional Certification

- | | | |
|---------------------------------------------------------|-----|----|
| 1. A letter requesting certification provided? | YES | NO |
| 2. The local elected official agreements provided? | YES | NO |
| 3. Regional workforce board membership roster provided? | YES | NO |
| 4. Approved for conditional certification? | YES | NO |

Checklist for Full Certification

- | | | |
|-----------------------------------------------------------------------------|-----|----|
| 1. A copy of the bylaws provided, including conflict of interest statement? | YES | NO |
| 2. Assurance statement on signed economic interest statements provided? | YES | NO |
| 3. Approved for full certification? | YES | NO |

Section 6

Quarterly Reports

Once a regional workforce board is certified, the regional workforce board is responsible for submitting an updated membership template on a quarterly basis. The quarterly reports are due each program year on July 1, October 1, January 1, and April 1, and shall indicate the date each report was updated. When the Oversight Division monitors visit a regional workforce board, they will receive the latest updated quarterly reports from the Policy Unit to assure that the membership of the regional workforce board is in compliance with the state's certification policy.

A vacancy must be filled within 90 calendar days in accordance with the nomination/selection process. The new member's information should be submitted to the Indiana Department of Workforce Development in the quarter immediately following the selection. All vacancies must be filled within 90 calendar days from the date of occurrence. A 60 day extension may be considered if the regional workforce board can show good cause for not filling the vacancy.